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December 28, 2021

**By ECF and Email**

Honorable Katherine Polk Failla  
United States District Judge  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

Re: ***United States v. Ahuja and Shor*, 18 Cr. 328 (KPF)**

Dear Judge Failla:

On behalf of both Mr. Shor and Mr. Ahuja, we respectfully submit this consent letter motion for an extension of the deadline for filing a notice of appeal from the Court's December 17, 2021 Order denying the joint motion to dismiss and denying Mr. Shor's motion for sanctions. Pursuant to Federal Rule of Appellate Procedure 4(b), this Court has the authority to extend the deadline for filing a notice of appeal in a criminal case. The Rule provides:

Upon a finding of excusable neglect or good cause, the district court may—before or after the time has expired, with or without motion and notice—extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b).

Fed. R. App. P. 4(b). We have communicated with the prosecutors, and they have informed us that the government does not oppose this motion.

We respectfully submit that there is good cause for granting this motion and extending the deadline to and including January 31, 2022.<sup>1</sup> Ordinarily, a unified decision deciding motions to dismiss and for a new trial would simultaneously trigger both sides' deadlines for filing notices of appeal. Because of the way Federal Rule of Appellate Procedure 12.1 and Federal Rule of Criminal Procedure 37 operate, however, we find ourselves in the unusual circumstance in which the defense's deadline was triggered by the Court's December 17, 2021 Order, and thus falls on December 31, 2021, while the government's deadline clock was not

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<sup>1</sup> Pursuant to Federal Rule of Appellate Procedure 26(a)(1)(C), because the thirtieth day following the current deadline to file a notice of appeal—December 31, 2021—falls on Sunday, January 30, 2022, “the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.”



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triggered until the Court's December 28, 2021 Order granting a new trial. In addition, the timing of these asynchronous deadlines falls during the holiday season, rendering it difficult for the parties to engage in a dialogue regarding the future course of this case and for the defense to make determinations of whether to seek appellate review of any aspect of this Court's December 17, 2021 Order.

Accordingly, we respectfully request that the Court extend the deadline to file a notice of appeal from the Order entered on December 17, 2021 to and including January 31, 2022. As noted above, the government does not oppose this request.

Respectfully submitted,

A handwritten signature in blue ink, reading 'Justin S. Weddle' in a cursive script.

Justin S. Weddle

Application GRANTED. For the reasons set forth above, Defendants' time to file a notice of appeal from the Court's December 17, 2021 Order denying the motion to dismiss the indictment is extended to **January 31, 2022**.

The Clerk of Court is directed to terminate the motion at docket entry 461.

Dated: December 28, 2021  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading 'Katherine Polk Failla' in a cursive script.

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE